G. R. S. 58]

Previous references.

File No. [illegible]-13

Serial No. 1—3

1913. 14
(Police)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 — 3

Part B for May 13

SUBJECT.

Taking away the power of recording confessions from Magistrates who are police officers also.

J 3996-8—Pol 289-13-3 ...	21	The I.-G. of Police in Mysore, the Registrar, Chief Court, and the Dy. Comr., Bangalore Dt.	With reference to Subject No. 40 of Representative Assembly Proceedings of 1913, in the matter of taking away the power of recording confessions from Magistrates, who are police officers also, states that the law on the subject may remain as it stands, and directs that accused persons should, for the purpose of having their confessions recorded, invariably be produced before the nearest Magistrate other than the Magistrate of the taluk in which the offence is being investigated by the police, and that where there are more such Magistrates than one, they should be placed before the Magistrate of the highest class excepting the District Magistrate.

GPS—10,000—28-8-15

18.6.15.

G.R.S. 11] 1916

GENERAL AND REVENUE SECRETARIAT.

(Police)

NOTES.

287-13
File No. ~~5540/16~~

FILE HEADING.

~~Discharg~~ Taking away the power of recording Confessions from Magistrate who are Police officers also.

From

No. Dated Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

P.T.O.

NOTES—First Sheet.

GPB—30,000—12-9-11

Police file no 289 of 1913-14

10

(2

SUBJECT No. 40.

Record of confessions by Amildar Magistrates.

Mr. K. S. Santanam Iyengar, Closepet municipality.

Summary of discussion.—It is highly unsatisfactory and against the spirit of the Criminal Procedure Code that the Amildar Magistrates who are Heads of Police in their taluks should be empowered to record confessions. It is prayed that Section 164 of the Criminal Procedure Code may be modified so as to conform with the provisions on the subject in the British Code, where only Magistrates who are not Police Officers are empowered to record confessions.

Mr. Santanam Iyengar stated that even if the confession is recorded by a neighbouring Amildar, he is likely to be prejudiced in favour of the Police, and suggested that 1st Class Magistrates alone should record confessions.

Reply of Government.—Will be considered favourably.

1 Subo forwards with a draft minute the opinion of the Chief Court. The Chief Court were of opinion when enquiry connected that the provision that the Magistrate should not have acted as a Police Officer in the investigation seemed sufficient.

KG. 116
16/9/1914

2) Issue
KG
24/9

To The Registrar, Chief Court
No J873 Dy 25. 9. 1914

Write the opinion of the Chief Court on the representation.

Sec 2.

From the same Officer
No 1637/166 Dy 16/17. 10. 1914

Forwards the opinion of the Judges of the Chief Court in the matter.

3) Subo with the opinion of the Judges.

KG. 116
13/11/1914

4) Please put up the criminal Digest

5) Subo with the copy

KG 14/11

G.R.S. 12
General and Revenue Secretariat.

Police (A) File No. 285 of 1907-14

(37)

Serial No.

6) Under the existing law, the Magistrate recording the confession should not have acted as a Police officer in the investigation. The 164 of the Criminal Procedure Code does seem to be sufficient safeguard under the present circumstances. But wherever it is possible to get the confession recorded by a Presidency Magistrate, the Police may be directed by a departmental circular to take the accused to such magistrate.

KB
16/11

First Member)

7) Has any improvement been made in Bombay recently in this respect?

8) I think it would be better to lay down by general rules to whom accd. shd be taken for confessions, rather than leave it to the Police Officer.

17/11/14

Hume 19/11

KB 19/11

Sub.

9) Sec. 164 of the Br. Code of Cr. Procedure, 1908, dealing with this subject has not been proposed to be amended in the Bill introduced in

7 Copies of this Govt. Gazette

NOTE—Contn. sheet.

GPB—55,000—27-4-15

Serial No.

T

See page 6

The Council on the 21st March 1914 the Hazelle of Secretary
48 116 containing the report of the Home Department relating
21/11/1914 to the recording of confessions & putup & directed.
26-11-14

10) The Government of Madras have approved the proposal that confessions should only be recorded by a Magistrate having jurisdiction, as 1st class Magistrate, or as specially empowered Second class Magistrate.

EB
30/4

Asst Secretary)

11) On the whole, I think that we may leave the law as it is.

12) An order may be issued in the Police Department, that

~~a confession~~

An accused person should ~~not~~ not be taken to the Magistrate of the Taluk where the offence is ~~alleged~~ investigated by the Police; that he should be invariably produced before the nearest Magistrate.

NOTE—Contn. sheet.

GPB—55,000—27-1-15

G. R. S. 12]

1756

General and Revenue Secretariat. | Police ~~A~~ File No. ~~55~~ 259 of 191 ~~3~~ 14

Serial No.

and that where there are more than one Magts in such place, he should be placed before a Magistrate of the highest class there — excepting the Dist. Magte.

13) I think this would be sufficient for the present.

17/12/14

14) The matter is sufficiently important for consideration at a meeting of the Council — if the Diwan approves

Diwan) 15) Yes. Please bring up at a meeting of Council.

Diwan of Rao 19/12

25/12/14

25-12-14 RC

3414
24-12-14

C.S. on queue 25/12

16) Recd 24/1/15

17) Received back from the Extraordinary Member this day without orders. queue 9/2

NOTE—Contn. sheet.

GPB—1,000—19-7-13

(6

Police file no. 289 of 1913-14

Extract from the Proceedings of the 346th Meeting of the Council of His Highness the Maharaja, held at Bangalore on the 24th February 1915.

4. SUBJECT. - (Clause viii of the Schedule).

Question of depriving Amildar-Magistrates of the power of recording confessions in connection with offences investigated in their taluks.

OPINION OF THE COUNCIL.

(1) The law may remain as it is. An order may be issued in the Police Department to the effect that an accused person should not be taken to the Magistrate of the Taluk - where the offence is investigated by the Police, that he should invariably be produced before the nearest Magistrate and that where there are more Magistrates than one in the nearest place, he should be placed before the Magistrate of the highest class excepting the District Magistrate.

Sd. M.VISVESVARAYA,
Dewan of Mysore.

"Extract"

D. M. Narasimha Rao 7/4

Offg.Secretary to Govt.

1280

(7

~~G. R. S. 12~~]

General and Revenue Secretariat.

Police
~~Cf~~ File No. ~~55~~ 289 of 191~~4-15~~

Serial No.

19) Extract from Council Mtg. put up. The case may be submitted to First Member with a draft Final Note by the S.S.

Draw
28/2
~~27~~

Secretary & Addl. Secretary

Es 27/2

1st. 27/2

20) Subd with draft for approval

Es 7/4

First Member

21) This has been unduly delayed. The Secy will please note.

7/4/15

III Cat
Please let me have reclassification separately

Draw
9/4
Es 9.4.
5pm

Extract taken.
Es.
10/4/15

22) Subd with a draft Submission on note

Es 10/4

Secy)

6565
10.4.15

Draw

10/4/15
Es 10/4

NOTE—Contn. sheet.

GPB—25,000—2 11-14

(4-0)
(8)

Police file no. 259 of 1913-14

Submitted to His Highness.

N

27) I submit herewith a Final note by the First Member of Council suggesting the issue of an order in the Police Department that for purposes of recording confessions an accused person should not be taken before the Amildar Magistrate of the Taluk when the offence is investigated by the Police.

28) 2. The recommendation of the Council referred to in the Final note may be approved.

26th April 1915.

P T.

Police File no 28 of 1913-14 (1)

Final Note by the First Member of Council.

Subject:-- Question of depriving Amildar Magistrates of the power of recording confessions in connection with offences investigated in their taluks.

---

23) In the Representative Assembly of 1913 it was urged that section 164 of the Code of Criminal Procedure may be modified so as to preclude Magistrates who are Police Officers also --- from recording confessions by accused persons and it was also suggested that this power of recording confessions may be ---- confined to Magistrates of the 1st class as Amildars even of neighbouring taluks are generally in favour of the Police.

Flag F 24) The Judges of the Chief Court were consulted on this representation and the opinion of the majority is that the ---- section of the Code may be amended in the light of the representation if the suggested change were practicable.

25) The question was considered in Council. The opinion --- Flag L arrived at is that the law may remain as it stands, an order, however, being issued in the Police Department to the effect -- that an accused person should not be taken to the Magistrate -- of the Taluk where the offence is investigated by the Police,

Police file no. 189 & 1913-14 (10

that he should invariably be produced before the nearest Magistrate and that where there are more Magistrates than one in the nearest place, he should be placed before the -- Magistrate of the highest class excepting the District --- Magistrate.

26) This procedure will, it is believed, minimize the ---- evil apprehended.

H. Macpherson

First Member of Council.

Dated 8/4/15

P. T. O.

983 Police File No 289 of 1913-14

Record of Cases submitted for the Orders of His Highness the Maharaja

Subject.

Question of depriving Amildar-Magistrates of the power of recording confessions in connection with offences investigated in their taluks.

983

Order.

28) ~~KRM~~

4/5/15

3/6

10.6.15.

27/Sundays

7.5.15

30) Please put up draft

10/5

1280

12

G. R. S. 12]

General and Revenue Secretariat. | Police File No. 289 of 1913-14

Serial No.

31) Draft subd.

BG. 14-5-15 MW

32) Please put up a clean draft.

Pol 14/5

BG 14/5

32) Clean draft subd.

BG. 14-5-15 MW

33) May be approved

BG 14/5

First Member) Agreed by the Member

etc

B 15/5

34) Issue.

BG 20/5

3. To The I. G. of Police.
The Registrar, Chief Court
The D. C. Bangalore &c
J 3996-8. Dt 21-5-15.

Issues orders regarding in the matter of recording confessions in connection with offences

✓
V
BG

NOTE—Contn. sheet.

GPB- 25,000—2-11-14

24 C 1

File No. 55 of 1914

Serial No. 1

Diary No. of letter replied to _____

No. J 873.

General and Revenue Secretariat

To

The Registrar,
Chief Court

Date of issue 25/9/14

Signed by Rm. S. Srinivasa Rao

Sir,

I am directed to invite your attention to subject No. 40 of the Proceedings of the Representative Assembly of 19.13 and the reply of Government thereto in the matter of the recruit of Confessions by Tuticorin Magistrate

and to request you to be so good as to favour Govt. with the opinion of the Chief Court ~~your opinion~~ in the matter at an early date.

I have, etc.,

For *Secretary to Govt.*

List of enclosures _____

Drafted by 16.7.16

Copied by 16/9/14

Examined by 25/9

GPB—500—7-11-11

No. 1637/106 Enc. 1

BANGALORE.

Dated 16th/17 October 1914.

DIARY No. F1280

1914-15
ION
53-14
No. 2

From

N. T. GOPALIENGAR, Esquire, B.A., L.B., cl
Registrar of the Chief Court of Mysore.

To

D. M. NARASINGA RAO, Esquire, B.A., B.L.;
Offg: Secretary to the Government of Mysore,
General and Revenue Departments.

S i r,

Adverting to your letter No. J.873/Cts. 55-14-1 dated 25th September 1914 calling for the opinion of the Chief Court in the matter of the recording of confessions by Amildar Magistrates who are Heads of Police in their Taluks — vide, subject No. 40 of the Proceedings of the Representative Assembly of 1913, — I am directed to enclose herein the opinion of the Judges of the Chief Court in the matter.

Hagt Encls 1 file.

I have the honour to be,
Sir,
Your most obedient servant,

N. Gopaliengar

REGISTRAR.

N.G.

(15

Encl to Pol
289-13-2

O P I N I O N.

The CHIEF JUDGE : -

" I am inclined to agree with the representation. It is undesirable that a Magistrate doing the work of Amildar should be a Police Officer but if that cannot be helped he might be deprived of the power of recording confessions. If it be possible I would like to see the Code amended so as to bring it in accord with the representation, but it may be that there are so few Magistrates who are not police officers, that greater harm might be done than good by the change.

I suppose the variation in the Code as in force here was made in order to meet the inconvenience that might be caused if no Magistrate who was also a police officer could record a confession and I do not know how far it would be possible to make the suggested change; I would reply that we think the change ought to be made if that is practicable."

Mr. Justice K.S. CHANDRASEKHARA AIYAR : -

"I agree with the Chief Judge's remarks in substance. At the same time I must say that, so far as I am aware the existing arrangement has not led to any abuse or irregularity in practice."

Mr. Justice T. PARAMASIVA IYER : -

"The practice so far as I am aware is to take the accused for a confession to the Amildar Magistrate of the Taluk

Taluk adjoining the one where the offence was committed, as the Head Quarters of a neighbouring Taluk is frequently nearer than the District Head Quarters. I see nothing objectionable in this having regard to the personnel of our amildari service."

N. Subramanian

REGISTRAR.

N.G.

W

Clean Buff

[G.R.S. 28]

Taking away the pow
of recording confessions
from ms. who are police
officers also.

File No. 289-13

Serial No. 3

95/5

Diary No. of letter replied to 1209/1-05

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.

( )

READ—

, *the* 191 .

Subject no. 60 of the Representative Assembly Proceedings of 1913 in the matter of taking away the power of recording confessions

Date of issue 21/5/1915.

Signed by M G Srinivasaiya

~~ORDER THEREON. No.~~

from mag^s. who are police officers also and the reply of Govt. thereto.

2. Letter no. 1637-106 dated the 16th October 1914 from the Registrar, Chief Court of Mysore,

SUBJECT.

GPB—50,000—1-12-12

forwarding the opinion of the
Judges of the Chief Court in the
matter.

Order thereon.- No. J 3996-8.

In the Representative
Assembly of 1913 it was urged that
section 164 of the Criminal Procedure
Code might be modified so as to
preclude magistrates who are police
officers also from recording confessions
of accused persons and it was also
suggested that this power of record-
ing confessions might be confined
to magistrates of the 1st class as obtaining
even of neighbouring talukas who
generally in charge of the police.

Govt. consider that the
law on the subject may remain
as it stands but that instructions
should be given to the police to
the effect that an accused person
should, for the purpose of having
his confession recorded, invariably
be produced before the nearest

G. R. S. 27]

GENERAL AND REVENUE SECRETARIAT.

(*Continuation sheet draft form.*)

11 ?

murder other than the murder of the Caluk in which the offence is being investigated by the police and that when there are more such murders than one, he should be placed before the murder of the highest class excepting the Bl. murder. The I. G. of Police is requested to issue instructions to the police accordingly.

14/5/15
for Secretary

17/5/15

To

The I. G. of Police in Rangoon.
The Registrar, Chief Court.
The Dy. Comm., Bassein Dt.,
for communication to the
Township concerned.

Copy to the Bassein Section.

BS.
14.5.15.

Recording Confessions.

No. J. 3996-8—Police 289-13-3, dated 21st May 1915.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

GENERAL AND REVENUE DEPARTMENTS.

Read—

Subject No. 40 of the Representative Assembly Proceedings of 1913 in the matter of taking away the power of recording confessions from Magistrates who are Police Officers also and the reply of Government thereto.

2. Letter No. 1637-106, dated the 16th October 1914, from the Registrar, Chief Court of Mysore, forwarding the opinion of the Judges of the Chief Court in the matter.

Order No. J. 3996-8—Police 289-13-3, dated 21st May 1915.

In the Representative Assembly of 1913, it was urged that Section 164 of the Criminal Procedure Code might be modified so as to preclude Magistrates who are Police officers also from recording confessions of accused persons and it was also suggested that this power of recording confessions might be confined to Magistrates of First Class as Amildars even of neighbouring taluks were generally in favour of the Police.

Government consider that the law on the subject may remain as it stands but that instructions should be given to the Police to the effect that an accused person should, for the purpose of having his confession recorded, invariably be produced before the nearest Magistrate other than the Magistrate of the taluk in which the offence is being investigated by the Police and that where there are more such Magistrates than one, he should be placed before the Magistrate of the highest class excepting the District Magistrate. The Inspector-General of Police is requested to issue instructions to the Police accordingly.

P. G. D'SOUZA,
Dy. Secy. to Govt. in charge.

To—The Inspector-General of Police in Mysore.
The Registrar, Chief Court of Mysore.
The Deputy Commissioner, Bangalore District, for communication to the Member concerned.

Exd.—C. R.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G.O. No. J. 3996-8—Police 289-13-3, dated 21st May 1915

Recording Confessions.

Directing that accused persons, should, for the purpose of —, invariably be produced, before the Magistrate of the highest class, excepting the District Magistrate.

GPB—23-5-15—400